

navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of Transportation: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

(b) DEFINITION.—As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Added Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8501(a)(6), Jan. 1, 2021, 134 Stat. 4745.)

Editorial Notes

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in subsec. (b), is set out under section 1331 of Title 43, Public Lands.

CODIFICATION

Section, as added and amended by Pub. L. 116-283, is based on section 7 of act Mar. 4, 1915, ch. 142, 38 Stat. 1053; act Aug. 4, 1949, ch. 393, §§1, 20, 63 Stat. 496, 561; Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938; Pub. L. 97-449, §2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 109-241, title IX, §902(j), July 11, 2006, 120 Stat. 568; Pub. L. 111-281, title III, §301, Oct. 15, 2010, 124 Stat. 2923, which was formerly classified to section 471 of Title 33, Navigation and Navigable Waters, before being transferred to this title and renumbered as this section.

Section was originally from the Rivers and Harbors Appropriation Act of 1915.

PRIOR PROVISIONS

Section probably supersedes acts May 16, 1888, ch. 257, §§1, 2, 25 Stat. 151, relative to anchorage grounds in port of New York, Mar. 3, 1899, ch. 424, §1, 30 Stat. 1074, extending anchorage regulations for port of New York, Feb. 6, 1893, ch. 64, §§1, 2, 27 Stat. 431, relative to anchorage grounds in port of Chicago, and June 6, 1900, ch. 819, §§1, 2, 31 Stat. 682, relative to anchorage grounds in Kennebec River.

AMENDMENTS

2021—Pub. L. 116-283, §8501(a)(6), transferred section 7 of act Mar. 4, 1915, ch. 142, to this title and renumbered it as this section, substituted “Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally” for “Establishment by Secretary of Homeland

Security of anchorage grounds and regulations generally” in section catchline, and realigned margins. See Codification note above.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

“Coast Guard” and “Coast Guard vessel” substituted in text for “Revenue Cutter Service” and “revenue cutter”, respectively, the Revenue Cutter Service and Life-Saving Service having been combined to form the Coast Guard by act Jan. 28, 1915, ch. 20, §1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, §20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

“Secretary of Transportation” substituted for “Secretary of the Treasury” in provision covering enforcement of rules and regulations by Coast Guard pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred to Secretary of Transportation functions, powers, and duties of Secretary of the Treasury and of other offices and officers of Department of the Treasury relating to Coast Guard. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when President directs as provided in former section 3 (now 103) of Title 14, Coast Guard. See section 108 of Title 49, Transportation. For subsequent transfers relating to the Secretary of Transportation and the Coast Guard, see below.

Section 6(g)(1)(A) of Pub. L. 89-670, transferred functions, powers, and duties of Secretary of the Army [formerly War] and other officers and offices of Department of the Army [formerly War] relating generally to water vessel anchorages under this section to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect the transfer made by section 6(g)(1)(A) of Pub. L. 89-670, and repealed section 6(g)(1)(A).

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

§ 70011. Waterfront safety

(a) IN GENERAL.—The Secretary may take such action as is necessary to—

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural

disaster, and other serious accidents or casualties;

(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4258.)

§ 70012. Navigational hazards

(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

(b) SECRETARY’S RESPONSE.—

(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline’s vicinity.

(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline’s vicinity, and the owner and operator of the pipeline.

(c) PIPELINE DEFINED.—For purposes of this section, the term “pipeline” has the meaning given the term “pipeline facility” in section 60101(a)(18) of title 49.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used

against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

(Added Pub. L. 115–282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4259.)

Editorial Notes

REFERENCES IN TEXT

Section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899, referred to in subsec. (a), means section 10 of act Mar. 3, 1899, ch. 425, 30 Stat. 1151, known as the Rivers and Harbors Appropriation Act of 1899, which is classified to section 403 of Title 33, Navigation and Navigable Waters.

§ 70014. Aiming laser pointer at vessel

(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(c) LASER POINTER DEFINED.—In this section the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(Added Pub. L. 116–283, div. G, title LVXXXIII, § 8342(a), Jan. 1, 2021, 134 Stat. 4709.)

SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

§ 70021. Conditions for entry to ports in the United States

(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

(4) does not comply with any applicable vessel traffic service requirements;

(5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;